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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

9 UNITED STATES OF AMERICA,
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11 Plaintiff,

Case No. CR05-385-JCC

12 v.

13 MICHAEL ROBERT CLARY,
14 Defendant.

**PROPOSED FINDINGS OF FACT
AND DETERMINATION AS TO
ALLEGED VIOLATIONS OF
SUPERVISED RELEASE**

15 **INTRODUCTION**

16 I conducted a hearing on alleged violations of supervised release in this case on January 3,
17 2013. The defendant appeared pursuant to a warrant issued in this case. The United States was
18 represented by Michael J. Lang, and defendant was represented by Suzanne Elliot. Also present
19 was U.S. Probation Officer Calvin Bouma. The proceedings were digitally recorded.

20 **SENTENCE AND PRIOR ACTION**

21 Defendant was sentenced on May 26, 2006, by the Honorable John C. Coughenour for Felon
22 in Possession of Firearms and False Statement in Connection with Acquisition of Firearm. He
23 received 64 months of detention and 3 years of supervised release.

PRESENTLY ALLEGED VIOLATIONS

In a petition dated December 17, 2012, U.S. Probation Officer Calvin Bouma alleged that

1 defendant violated the following conditions of supervised release:

- 2 1. Using alcohol in violation of the special condition stating that he shall abstain from
3 the use of alcohol and/or other intoxicants.
- 4 2. Committing the crime of Assault in violation of the standard condition that he not
5 commit another federal, state, or local crime.

6 **FINDINGS FOLLOWING EVIDENTIARY HEARING**

7 The government withdrew violation 2. Defendant admitted to violation 1, waived any
8 hearing as to whether it occurred, and was informed the matter would be set for a disposition
9 hearing February 18, 2014, 9:00 a.m. before District Judge John C. Coughenour.

10 **RECOMMENDED FINDINGS AND CONCLUSIONS**

11 Based upon the foregoing, I recommend the court find that defendant has violated the
12 conditions of his supervised release as alleged above, and conduct a disposition hearing.

13 DATED this 3rd day of January, 2013.

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16 BRIAN A. TSUCHIDA
17 United States Magistrate Judge
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